



# **PROTECTION OF SOURCE SELECTION INFORMATION**

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# **PURPOSE**

- Define “Source Selection Information”
- Discuss ways to protect “Source Selection Information”
- Prevent inappropriate or inadvertent disclosure of “Source Selection Information”

# **TOPIC OUTLINE**

Definitions

Responsibility

Before Receipt of Proposals

After Receipt of Proposals

General Information

Conclusion

# **DEFINITION**

## **“SOURCE SELECTION INFORMATION”**

- Bid prices before contract award,
- Proposed costs or prices from offerors,
- Source selection and technical evaluation plans,
- Technical evaluations, cost or price evaluations, competitive range determinations, rankings, reports of source selection panels,
- Other information marked “Source Selection Information-See FAR 2.101 & 3.104”, and
- Information that could jeopardize the integrity of the procurement to which it relates, if disclosed

# **DEFINITION**

## **“CONTRACTOR BID OR PROPOSAL INFORMATION”**

- Cost or pricing data
- Indirect costs and direct labor rates
- Proprietary information marked by the contractor IAW law or regulation
- Information marked as bid/proposal info by the contractor
- Data marked with a restrictive legend

# PROTECTION RESPONSIBILITY

## WHY PROTECT IT?

A high level of business security must be maintained to protect the integrity of the acquisition process



# **PROTECTION RESPONSIBILITY**

## **WHO'S RESPONSIBLE?**

- The **PCO** is responsible to ensure information obtained from contractors and others outside the Government is not publicized or discussed with potential contractors.
- Except as specifically provided for by FAR 3.104, **no person or other entity** may disclose contractor bid or proposal information or source selection information to any person other than a person authorized, by laws, regulations, procedures or the contracting officer, to receive such information. Such information must be protected from unauthorized disclosure.

# **PROTECTION RESPONSIBILITY**

## **WHO'S RESPONSIBLE (Con't.)?**

- **Any employee** who, by virtue of their office, **has or had** access to source selection information by participating directly or indirectly in any stage of the acquisition cycle.
- **Applies to A&AS and FFRDC** support contractors through Non-Disclosure agreements in their respective contracts and individual certifications.



**BEFORE *PROPOSAL RECEIPT***

# **BEFORE *PROPOSAL RECEIPT***

## **RESTRICTIONS ON THE RELEASE OF SOURCE SELECTION INFORMATION**

- Information received in confidence from an offeror
- Information protected by FOIA or Privacy Act
- Unsolicited Proposal Information
- Plans that would provide undue or discriminatory advantage to private or personal interests
- Internal agency communications (e.g. technical reviews, PPBS, interagency/intra-agency memos)

SSI released within the Govt needs to be appropriately marked and protected from unauthorized disclosure.

# **BEFORE PROPOSAL RECEIPT**

## **WHAT INFORMATION IS RELEASABLE**

- Requirements documents (MNS, Org/Ops Plan)
- Historical technical info
- Program technical descriptions and schedules
- Draft/final planning documents (IPS, SAMP, ASP) (may need redacting to protect PPBS data, FOIA protected info, etc)
- Key planned acquisition milestones
- Budget/funding profiles
- Draft RFP documents

KEEP IN MIND the version publicly released is no longer considered SSI, but changes to that version may be SSI.

# **BEFORE *PROPOSAL RECEIPT***

## **CONDITIONS FOR RELEASE**

- The information is publicized as widely as practicable to all parties simultaneously
- Classified information is released through existing security channels IAW security regulations

# **BEFORE *PROPOSAL RECEIPT***



## **EXAMPLE METHODS OF RELEASING INFORMATION**

- Program Document Library
- Electronic Bulletin Board/Web Page
- Personal discussions between authorized parties  
(One-on-One's, VTC, Phone)
- Electronic Posting System (EPS/CBD)
- Facsimile
- Encrypted E-mail/E-mail within a LAN system
- Public meetings with industry

# **BEFORE *PROPOSAL RECEIPT***

## **PRINCIPLE OF EQUAL TREATMENT**

- Offerors are entitled to equal access to information necessary for submitting a thorough proposal
- Refrain from disclosure of information which gives an offeror an unfair competitive advantage
- Consider any perceived or actual evidence of favoritism or other improper activity and the effect it will have on competition

# **BEFORE *PROPOSAL RECEIPT***

## **BEST PRACTICES**

- Always ensure publicly posted electronic data is “Read Only”
- Always open electronic documents **BEFORE** they are posted on a website or CBD/EPS, or e-mailed to verify that files are the one's you intend to send and are the correct version

# **BEFORE *PROPOSAL RECEIPT***

## **BEST PRACTICES**

- Always verify that disseminated information is properly marked (e.g. SSI, FOUO, Contractor Bid/Proposal Info, Security Classification, NOFORN)
- Always verify **BEFORE** you send it, that disseminated information is sent only to recipients authorized access to the information

Be curious! If in doubt, ask someone!



# **BEFORE *PROPOSAL RECEIPT***



## **BEST PRACTICES**

- Train ALL members of the acquisition team in protection of SSI early in the acquisition development
- Include detailed policy/instructions for protecting SSI in Source Selection Evaluation Guide (SSEG)
- Ensure ALL members of the SSET are knowledgeable of the contents of the SSEG

**AFTER *PROPOSAL RECEIPT***

# **AFTER *PROPOSAL RECEIPT***

Proposals shall be safeguarded from unauthorized disclosure throughout the source selection process

# **AFTER *PROPOSAL RECEIPT***

## **SOURCE SELECTION AUTHORITY (SSA) RESPONSIBILITIES**

- Ensure the entire Source Selection Evaluation Team understands:
  - the policy and procedures regarding SSI
  - unauthorized disclosure of SSI

# **AFTER *PROPOSAL RECEIPT***

## **PCO RESPONSIBILITIES**

- Manage all business aspects of acquisition
- Issue notice of source selection initiation to appropriate parties
- Control disclosure of SSI during evaluation
- Has full authority to approve release or access to SSI after award

# **AFTER *PROPOSAL RECEIPT***

## **SOURCE SELECTION EVALUATION TEAM (SSET) CHAIR RESPONSIBILITIES**

- Ensure proper and efficient conduct of the source selection process
- Ensure all people receiving SSI are instructed to comply with applicable standards of conduct and sign SSI Briefing Certificate

# **AFTER *PROPOSAL RECEIPT***

## **SOURCE SELECTION ADVISORY COUNCIL (SSAC) CHAIR RESPONSIBILITIES**

- Ensure SSAC is knowledgeable of the source selection process
- Ensure all SSAC members receiving SSI are instructed to comply with applicable standards of conduct and to sign SSI Briefing Certificate

# **AFTER PROPOSAL RECEIPT**

- Authorized Methods to Transmit SSI
  - Facsimile
  - Mail hardcopy or CD/disk
  - In-person delivery to Offeror/pick-up by Offeror
  - FedEx, DHL, etc.
- At SMC, e-mail is **NOT** an authorized method for transmission of SSI after receipt of proposals

Caveat: All hardcopy and electronic data must be clearly marked with appropriate legends (FAR 3.104-5(c))



# **AFTER PROPOSAL RECEIPT**

## **BEST PRACTICES**

- Assign each proposal a distinctive color for marking offeror documents and password/file name for electronic data
- Clearly mark **ALL** evaluation data with identity of offeror – **ALL PAGES, ALL FILES**
- ALL people generating SSI carefully review their data to ensure it is appropriately marked

# **AFTER PROPOSAL RECEIPT**

## **BEST PRACTICES (Con't)**

- Preparing data for release
  - Two person Gov't team verifies each package is correctly identified with the offeror name
    - Annotate time and date of review
    - Paper files will be reviewed cover to cover
    - Electronic media will be opened and reviewed in it's entirety, including "notes" and "links"
  - Submit to PCO for review
    - Including envelope, FAX cover sheet, etc.

# **AFTER PROPOSAL RECEIPT**

## **BEST PRACTICES (Con't)**

- PCO personally reviews all data sent to offerors to ensure ALL data pertains to offeror identified on transmittal documents
- Any necessary changes are reviewed by the PCO prior to release
- Documents are released immediately after last PCO review to preclude changes
- A checklist for Protection of SSI is prepared, initialed by the PCO, and filed in the contract file

# **General Information**

# **UNAUTHORIZED TRANSMISSIONS**

- Discussion of SSI with or in the presence of unauthorized personnel.
- Any hard copy or electronic transmission without properly marking the document
- Non-encrypted e-mail OUTSIDE the SMC LAN without express authorization from all affected parties

# **EXCEPTION TO ENCRYPTED E-MAIL**

- Parties agree to use un-encrypted e-mail to benefit from speed of commercial e-mail
- Contractors are notified of intention not to encrypt and provide their written agreement to the PCO
- Parties agree to mutually acceptable means of protecting information (e.g. password protection)

# THINGS TO CONSIDER

- Historical information may contain “Contractor bid or proposal information”
- Electronic reports, slides, etc. may include the capability to “drill down” to proprietary information used to build the final document
- Information relating to an acquisition, regardless of source, may be unmarked or improperly marked with applicable legends

**Know the sensitivity of information BEFORE it's sent!!**

# THINGS TO CONSIDER

- A&AS and FFRDC Support
  - Determine early what support is needed
  - Verify existing contracts contain appropriate scope or if a DDD is necessary
  - Ensure existing contracts contain appropriate non-disclosure agreements
  - Determine if internal contractor conflict of interest measures are needed
  - Notify prospective offerors; obtain consent

**Plan support early to avoid delays!**





**Check,  
Double Check,  
and be Certain!!**

# CONCLUSION

- *Protection of Source Selection Information is EVERYONE'S responsibility!*
- *ZERO DEFECTS is the only Standard!*